



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,362	06/05/2001	Toshio Yamaguchi	500.40188X00	5778

20457 7590 04/02/2004

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-9889

EXAMINER

PATEL, HARESH N

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 04/02/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary

Application No.

09/873,362

Applicant(s)

YAMAGUCHI, TOSHIO

Examiner

Haresh Patel

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-5 are presented for examination.

Response to Amendments

2. The amendment filed June 5, 2001; paper number 9 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

page 3, Lines 5-6 (of the newly submitted markup copy), add "The newest server object being the server object most recently accessed",

Applicant is required to cancel the new matter in the reply to this Office Action.

3. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection – necessitated by Applicant's amendments to the claims.

Drawings

4. The examiner has approved the changes to the drawings, which include minor change to the figure 1 and addition of label "Prior Art" to figures 2-4.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

Art Unit: 2154

pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. The specification is objected to because it does not contain subject matter containing any software or hardware to implement a newest server object being a most recently accessed server object of the requested server objects. Hence, claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The addition of the limitation "said, newest server object being a most recently accessed server object of the requested server objects" of claim 1, lines 7-8, claim 4, lines 8-9 and claim 5, lines 10-11, has been rejected by the examiner.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole et. al 6,074,434 in view of Timms et al. 6,643,704.

8. As per claims 1, 4 and 5, Cole teaches a method, a system and a computer readable medium to implement managing objects in a distributed object environment as follows:

a server object information acquisition unit for requesting server object information of a server objects to be accessed (e.g., clients accessing selection server, selection server providing information of the content servers that can be assessed, although not shown, there are many other

Art Unit: 2154

servers for the Internet, hence multiple servers are available for contents, col., 3, lines 13 – col., 4, line 39, figure 6, col., 6, line 22 – col., 12, line 24),

a server object information select unit for selecting (e.g., selection server providing selected content server http addresses, figure 7, col., 1, line 4 – col., 2, line 44) and supplying a requester (e.g., client, figure 6) with server object information (e.g., content server http address information, col., 6, line 22 – col., 12, line 24) of a newest server object of requested server objects (e.g., http address information of a content server among the Internet content servers, col., 6, line 22 – col., 12, line 24) based on a change information including revision information showing a newness of each said requested server objects (e.g., http addresses of all available content servers that can provide the program updates based on version of the programs at the content servers, col., 6, line 22 – col., 12, line 24),

a server object access unit for accessing a server object (e.g., client accessing the content server, col., 6, line 22 – col., 12, line 24) indicated in said server object information supplied (e.g., http address locations and new data content file names and location at the content servers provided by the selection server, col., 6, line 22 – col., 12, line 24) ; and

a request processing unit for performing processing requested by said access (e.g., content server processing the sending of the program update to the client, col., 6, line 22 – col., 12, line 24).

Cole does not specifically mention about a newest server object being the server object most recently used. However, the concept of accessing the server is clearly taught by Cole. It is also well known in the art, for example, Timms teaches the use of newest server object being a

Art Unit: 2154

most recently accessed server object of the requested server objects (e.g., cause the users client to contact the last used domain server, col., 5, line 10 – col., 7, line 21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cole with the teachings of Timms to facilitate the use of a server that has been most recently used. The client will be able to access the server that recently provided support to the clients, which will provide processing support to client.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cole and Timms in view of “Official Notice”.

10. As per claim 2, Cole and Timms teach the claimed limitations as mentioned in rejection of claim 1, including selecting and supplying the requester with the server object information of the server object to be accessed, in accordance with said change information of the requester server object (e.g., based on the client version information accessing the server containing version based information, col., 6, line 22 – col., 12, line 24).

However, Cole does not specifically mention that a server can be a requestor instead of a client. “Official Notice” is taken that both the concept and advantages of providing server as a requestor instead of a client is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include server as a requestor instead of a client with the teachings of Cole and Timms in order to facilitate a server to access another server. It is well known in the art that any device that accesses a server is a client, hence if a first server accesses another server, the first

Art Unit: 2154

server is also considered as a client. The server with particular version information will access the server that has contents based on the version of the accessing server from the cluster of servers on the Internet or the network.

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cole, Timms and "Official Notice" and in view of Midgely et. al. 5,608,865.

12. As per claim 3, Cole and Timms teach the claimed limitations as mentioned in rejection of claim 2. However, Cole and Timms do not specifically mention about stopping the old server object when multiple servers contain same server object name. Nonetheless, it is well known in the art of stopping the old server object when multiple servers contain same server object name, for example, Midgely teaches the concept of managing in a case where there are a plurality of server objects having a same server object name or same interface identification information, stopping server objects having old change information (e.g., The Agent then forces the recovering server to re-boot, so that it comes on-line with an alternate name that does not conflict with the name of any other server on the network, col., 12, line 22 – col., 26, line 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include teachings of Cole, Timms, "Official Notice" and Midgely in order to facilitate retaining a server containing latest information on the Internet or network instead of a server containing old information. The server with the latest information would provide latest version information necessary for the request of the accessing client device.

Conclusion

13. Examiner makes a note that the claims 1-5 are too broad. Applicant indicates that the figure 1 and the related disclosure is the rational behind the invention, i.e., page 2, line 20 – page 4, line 14 of the specification. However, claims 1-5 fail to convey information regarding the use of key components of the invention, i.e., client, server factory and the management server. Also claims do not reflect on what each component handles and how management server accesses the servers and server factory for the client's request. Hence, the scope of the claims is much wider than what applicant wants to accomplish as an invention mentioned in the disclosed subject matter.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Several prior arts teach sever clusters that can be accessed by client devices, which anticipates the entire claimed subject matter. See Form PTO-892.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2154

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (703) 605-5234. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached at (703) 305-8498.

The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Haresh Patel

March 29, 2004


ZARNI MAUNG
PRIMARY EXAMINER